



MEMO ENDORSED

Via ECF

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February 28, 2024

The Honorable Valerie Caproni
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Shiplane Transport Inc. v. Hwy 31 Exchange Inc., et al.*, Case No. 23-CV-10073 (VEC)
Motion to Adjourn Initial Case Management Conference

Dear Judge Caproni:

I represent the Defendants, Hwy 31 Exchange Inc., Mark Anthony Hafner, and Tania Renee Oropesa (collectively, the “Defendants”) in the above-captioned matter. On behalf of the Defendants, we respectfully submit this letter, with consent from the Plaintiff noted below, requesting that the Court indefinitely adjourn the initial pretrial conference, which is currently set for March 8, 2024 at 10 a.m.

On January 12, 2024, the Court entered the Notice of Initial Pretrial Conference (the “Notice”), scheduling the pretrial conference. (D.E. 13). Pursuant to the Notice and this Court’s Individual Practices Rule 2C, the Defendants request an adjournment of the pretrial conference due to the pending motion to dismiss for lack of personal jurisdiction, lack of venue, and failure to state a claim upon which relief could be granted. (D.E. 24). The outcome of that motion could lead to the dismissal of this case, or possibly the transfer of the case to the Middle District of Tennessee. Accordingly, the Defendants submit that these issues should be resolved prior to the pretrial conference to save time, expense, and judicial resources.

The original date for the conference is **March 8, 2024 at 10 a.m.** This is the parties’ first request for an adjournment of this conference. The Defendants propose that the pretrial conference be rescheduled, if at all, for the third Friday following the Court’s Order on that motion. In the alternative, the undersigned Counsel for the Defendants respectfully requests that he be allowed to attend the currently-scheduled conference by telephonic means.

I have conferred with the Plaintiff’s counsel multiple times regarding this request and the Plaintiff’s counsel has stated only that the Plaintiff is not opposed to the Defendant’s alternative

Request for Adjournment
February 28, 2024
Page 2

requests that the undersigned be allowed to attend the conference. Plaintiff's counsel has not stated whether or not he is opposed to the adjournment itself.

Thank you, in advance, for your consideration of this request.

Sincerely,

/s/ Charles M. Cain, II

Charles M. Cain, II
Attorney for Defendants

cc: M. Daniel Bach (via email and ECF)
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Application GRANTED. The initial pretrial conference is ADJOURNED *sine die*.

SO ORDERED.

 02/28/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE